REMARKS

This is in response to the action dated June 1, 2007, and is accompanied by a Petition for Extension of Time for 3 months.

1. Summary of Office Action

Claims 1, 3-6, 9-11 were rejected under 35 U.S.C. §102(b) as being anticipated by Tomoyoshi (JP 08196966). Claims 7 and 8 were rejected under 35 U.S.C. §102(b) as being anticipated by Grazier et al. (US 4,122,396). Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Tomoyoshi and Kocurek (DE20015231).

2. Status of Claims

Claim 1-11 were pending and considered by the Office Action dated June 1, 2007. Claims 2, 5, 7 and 8 have been canceled in the present response. New claims 12-22 have been added dependent from existing claims.

3. Response to Rejections

A) The rejection of claims 1, 3-6, 9-11 under 35 U.S.C. §102(b) by Tomoyoshi

As a result of the present amendments to the claims, both independent claims (claims 1 and 6) now contain the subject matter of claim 2. Since claim 2 was not rejected by Tomoyoshi, and all of the remaining claims presently depend from claim 1 or claim 6, and therefore contain the subject matter of claim 2, none of the claims are anticipated by Tomoyoshi. This rejection should be withdrawn.

B) The rejection of claims 7 and 8 under 35 U.S.C. §102(b) by Grazier et al.

In the amended set of claims, original independent claims 7 and 8 have been deleted. Therefore, the rejection by Grazier et al. is no longer relevant to the present claims.

C) The rejection of claim 2 under 35 U.S.C. §103(a) by Tomoyoshi and Kocurek

Both remaining independent claims 1 and 6 now include the feature of the water vessel being separated into two chambers, a feature previously referred to in claim 2 which was rejected by the Examiner in the light of Tomoyoshi and Kocurek. The outstanding issue is whether claims 1 and 6 are obvious having regard to Tomoyoshi and Kocurek.

Tomoyoshi discloses a floating water feature comprising floats (16) and a frame (14). The frame carries a solar cell panel (4), which is below the surface of the water. In the centre of the frame / solar panel is mounted a pump (6), part of which is above the level of the frame / solar panel, and part of which is below that level. It is assumed that the device of Tomoyoshi will be placed in a pond or the like.

The present invention, as defined in amended claims 1 and 6, concerns a standalone water feature that includes a water vessel. The water vessel is divided into a lower water containing chamber and an upper water containing portion. As can be seen in Figure 1, the lower part of the vessel is in the form of an enclosed bowl, and the upper part of the chamber is in the form of an open dish. The solar panel, which may be carried on a separating member, is submerged and serves to divide the vessel into these two regions. The pump is positioned in the lower chamber, beneath the solar panel, and therefore cannot be seen from above the solar panel. There is a return flow path for water to the lower chamber. Thus, to an onlooker there is a dish with a water fountain in the

middle, but the apparatus for creating the water fountain cannot be seen. The lower chamber serves as a reservoir for the pump, and is not visible to onlookers.

The structure is entirely different to the floating arrangement of Tomoyoshi, which floats in a large body of water and whose pump is clearly visible.

Kocurek does not disclose the features of claims 1 or 6 or supply the deficiencies of Tomoyoshi. The water feature in Kocurek is not constructed in the same way and does not operate in the same way as the present invention.

In Kocurek, there is not a "chamber 7 and a chamber located above the solar panel 1" as the Examiner states. The numeral 7 refers to the entire unit, and in the list in Kocurek 7 is referred to as a "Brunnen", which translates as fountain. It is said to be without electricity or water connections, which is what the entire unit is - there is no external water or electricity supply.

It is clear from the drawings in Kocurek that there is a central supporting column, on which is an open dish. Projecting upwardly from the centre of the dish is another column, and a tube (4) extends through this to the water outlet at the top of the fountain. At the bottom of this column is a stone part (2) with an opening, in which the pump (3) is situated. The solar cells (1) are arranged in a ring on the rim of the dish, and are connected to the pump by means of wiring which is incorporated in the stone of the dish. A coupling (5) is arranged above ("versetzt uber") the water level (Wasserspiegel). The numeral 8 depicts the water level in the dish, and there is nothing covering this; it is an important part of the water feature and where the water splashes back down into after issuing from the tube at the top of the fountain.

To the person skilled in the art of water features, the layout of the fountain of Kocurek follows a well known pattern. Water passes up through the middle to an outlet at the top of the fountain, which in this case is a sphere. It then flows down into a top dish. A curtain of water then overflows

the top dish and flows down into the bottom dish. A constant level is maintained within the bottom dish, which does not overflow. The novelty in Kocurek is that an electric pump is provided in the central column, and electricity for this is provided by solar cells arranged around the rim of the bottom dish. The solar cells are not submerged in the water, and do not separate the bottom dish into two portions, nor indeed any other part of the fountain into two portions.

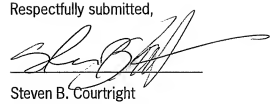
The construction of the fountain, with a large central column, gives rise to problems with shade. The central column will cast a shadow on the solar cells. Steps are taken to cope with that - see "Bezugszeichenliste", item 1 where there is a reference to a part of the (solar) module being shaded ("uberschattet"). It would only make matters worse if the solar cells were to be moved inwards to where there is water, and then submerged. The problems with shade would be increased. The person skilled in the are would not consider using the solar cells as a barrier to separate the dish into two, and there would be no reason to do that. In Kocurek there is a central column and the pump is concealed in that. The connector is also positioned in the central column, above the water level.

Tomoyoshi and Kocurek are in different areas. One is a floating water feature, and the other is a stone fountain. The only thing in common is that both use a pump powered by a solar panel. The mechanical arrangements are totally different and there are no features in either that could be of use to the other. Neither suggests the features of the present invention as claimed in claim 1 or 6.

Because Tomoyoshi and Kocurek do not show all of the limitations of the currently pending independent claims, there is no *prima facie* case of obviousness. As shown above, there is no existing suggestion, motivation or reasonable logic which would provide the deficiencies of Tomoyoshi and Kocurek in either structure or the modifications thereof necessary to provide all of the limitations of the claims.

Reconsideration is requested.

Respectfully submitted,



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